

## DERRICK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

UNITED STATES OF AMERICA )  
VS. ) No. 06-20264  
Derrick Benton et al, )  
Defendants, )

STATUS CONFERENCE  
BEFORE THE HONORABLE SAMUEL H. MAYS, JR.  
MEMPHIS, TENNESSEE  
February 29, 2008

SHARLYN A. PHILLIPS  
Official Court Reporter  
Suite 1132, Federal Office Building  
Memphis, Tennessee 38103  
(901) 525-5097

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## APPEARANCES

Bldg.	For the Government:	Ms. Jennifer Webber, AUSA Office U. S. Attorney 8th Floor Federal Office Memphis, TN 38103
Attorney	For the Defendant Benton:	Ms. Autumn B. Chastain, Law Office Autumn Chastain 707 Adams Avenue Memphis, TN 38105
Attorney	For the Defendant Flowers:	Mr. Lawrence W. Kern, Kern Law Firm 5118 Park Avenue - Suite 600 Memphis, TN 38117-5710

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Benton

THE COURT: United States against Derrick  
Benton  
and Michael Flowers. Ms. Webber, Ms. Chastain, and Mr.  
Kern.

Good morning.

MR. KERN: Good morning, Your Honor.

THE COURT: All right. Now, this is a report. I  
set it over because we got a letter from Mr. Benton, who  
said he was anxious to go to trial.

MS. CHASTAIN: Yes, Your Honor. I have met with  
Mr. Benton. We met for probably over three hours the other  
day. And I explained to him why his matter was reset from  
that Friday. My grandmother passed away, and my schedule  
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backed up.

over

THE COURT: Well, I set it over, because -- I would have set it over anyway. But the reason I set it

to here as opposed to 30 days is that I had this correspondence, and I wanted to address it fully.

his

MS. CHASTAIN: Certainly, Your Honor. I spoke with him and I met with him. And I certainly understand

concerns on why this case is taking long. He has had two prior counsel to me.

to

I've been involved now. And I have expressed him and also the government, my difficulty in getting the discovery that was provided to Mr. Irby. He has not responded to my letters. Has not responded to a call. I have

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not received the video yet, which I've told Mr. Benton is imperative that I see.

THE COURT: Well, there was a superseding indictment in this case, also.

Irby

Do you have what Mr. Irby has, or does Mr. Irby have what Mr. Irby has with him?

received,

MS. WEBBER: Only a copy of what we've as well as an entire photograph of what Mr. Irby has. Generally, we ask counsel to make it available or we could

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be doing discovery two or three times in a case. I wasn't asked to -- even if there is a way for Your Honor to order

Mr. Irby --

worse

THE COURT: Oh, let's get the material from Mr. Irby. If we can't get it -- the government has it, if comes to worse, is that not right?

MS. WEBBER: Yes, Your Honor.

THE COURT: All right.

MS. WEBBER: Your Honor, I assume there is some obligation for him to turn over the file to --

THE COURT: There is.

still

MS. CHASTAIN: That being said, Mr. Benton has a speedy motion in place. And he understands that I am requesting for 30 days in order to get that to review with him. And at that March setting, we would be able to either by resolving this matter or the trial setting.

proceed

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THE COURT: All right. Are you comfortable with

that, Mr. Benton, at this point?

THE DEFENDANT: Yes, sir, Mr. Mays.

THE COURT: All right. That's how we will

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proceed.

what do you want to say, Mr. Kern?

MR. KERN: Nothing, Your Honor. Whatever Your Honor is going to give her, I will take.

THE COURT: All right.

MR. KERN: And we'll be ready at the same time.

THE COURT: You'll be ready. You are ready to go

when ever Ms. Chastain is ready, is that right?

MR. KERN: Yes, sir.

THE COURT: Okay. We can try these together?

MS. WEBBER: Yes, Your Honor.

THE COURT: Now -- well, let's figure out how we

get Mr. Irby to turn over what he has got. I don't know how

I'm going to proceed on that, I don't like to enter an order.

Irby. THE DEFENDANT: I will try to contact, Mr.

to But it has been hard for me to get in touch with him, due

his not always being in his office.

of THE COURT: Well, he no longer represents you, are

course, because he was relieved as counsel. But when you are relieved as counsel, ordinarily you turn over the file to

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the succeeding counsel. That is the standard practice. So I've got to figure out where the problem is.

ask

DERRICK  
I guess, Ms. Lee, what we need to do is just

that

Mr. Irby to come in and let me figure out what the problem is. I'd rather deal with it that way. If I can't do it way, I'll figure out another way to deal with it.

may

MS. CHASTAIN: Thank you, Your Honor. I hate to come to the Court with that. But it is holding up the --  
THE COURT: Well, you don't have any choice, I guess. I don't know what his problem is on the issue. It  
be he just hasn't focused on it, but I'll see if I can get him to focus on it.

March

April

MS. CHASTAIN: Thank you, Your Honor.  
THE COURT: So, that means a Report Date of 28th at two o'clock. The time will be excluded through 18, based on the need for additional time to prepare. The trial date will be April the 7th.

MS. CHASTAIN: Thank you, Your Honor.

MR. KERN: Thank Your Honor.

THE COURT: Thank you.

(Hearing adjourned)

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#### C E R T I F I C A T E

I, SHARLYN A. PHILLIPS, Official Court Reporter, certify that the foregoing is a correct transcript from Page 6

the

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record of the proceedings in the above-entitled matter.

Court

Tennessee

SHARLYN A. PHILLIPS  
Official Court Reporter  
United States District  
Court of  
Western District of Tennessee

DATE: